



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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TO: CELIA ZAVALA
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: ADRIENNE M. BYERS
Litigation Cost Manager
Executive Office

A handwritten signature in blue ink, appearing to read "AMB", is written over the printed name and title of Adrienne M. Byers.

RE: **Item for the Board of Supervisors' Agenda**
County Claims Board Recommendation
Arturo Aceves Jimenez v. City of Los Angeles, et al.
United States District Court Case No. :CV 21-07117 JPR

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached is the Case Summary and the Summary Corrective Action to be made available to the public.

It is requested that this recommendation, the Case Summary, and the Summary Corrective Action be placed on the Board of Supervisors' agenda.

AMB:jkb

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Arturo Aceves Jimenez v. City of Los Angeles, et al., United States District Court Case No. CV 21-07117 JPR, in the amount of \$1,200,000, and instruct the Auditor-Controller to draw a warrant to implement this settlement from the District Attorney's Office's budget.

This lawsuit against the District Attorney's office alleges that plaintiff's wrongful conviction resulted in his imprisonment for 25 years.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Arturo Aceves Jimenez v. City of Los Angeles, et al.
CASE NUMBER	CV 21-07117
COURT	United States District Court
DATE FILED	September 2, 2021
COUNTY DEPARTMENT	District Attorney
PROPOSED SETTLEMENT AMOUNT	\$ 1,200,000
ATTORNEY FOR PLAINTIFF	Barrett S. Litt, Esquire McLane, Bednarski & Litt, LLP
COUNTY COUNSEL ATTORNEY	Jonathan McCaverty Principal Deputy County Counsel
NATURE OF CASE	This is a recommendation to settle for \$1,200,000, a District Attorney federal civil rights lawsuit brought by Arturo Jimenez against the County for a wrongful conviction that resulted in his imprisonment of 25 years. Given the high risks and uncertainties of litigation, a reasonable settlement at this time will avoid further litigation costs. The full and final settlement amount of \$1,200,000 is recommended.
PAID ATTORNEY FEES, TO DATE	\$ 120,234
PAID COSTS, TO DATE	\$ 20,000



Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	1995-2021
Briefly provide a description of the incident/event:	<p>In May 1995, Plaintiff was convicted of the murder of a 14-year-old boy affiliated with a rival gang. He was 18 years old at the time and was sentenced to 30 years to life in prison. He ultimately served approximately 25 years of that sentence before being released in Spring 2020.</p> <p>In January 2020, the Plaintiff filed a petition for writ of habeas corpus ("Petition"). After reviewing the Petition the District Attorney ("DA") conceded that the Plaintiff's defense counsel was ineffective and the Plaintiff did not receive a fair trial. The Petition was granted, and the Plaintiff was released from custody.</p> <p>In February 2021, the DA and the Plaintiff's counsel jointly brought a motion for factual innocence which the Court granted shortly thereafter. Of note, at no point did the DA admit or concede to any misconduct or error by their office or its prosecutor.</p>

1. Briefly describe the root cause(s) of the claim/lawsuit:

In 2021, the Los Angeles County District Attorney's Office (LADA) joined the Plaintiff in filing a motion for factual innocence with the Superior Court.

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

A critical part of the LADA mission is to ensure the integrity of criminal convictions. To that end, the LADA has a comprehensive post-conviction review policy and commits significant resources to reviewing criminal convictions. The LADA's Office has three units devoted to the review and handling of criminal convictions. The units include the Post-Conviction Review Unit, Writs and Appeals Division and HABLIT. The mission of the office is to ensure the integrity of convictions and to review the cases ensuring that the defendant had a fair trial. In 2020, the LADA reviewed the Plaintiff's underlying criminal case and determined that the Plaintiff had been denied a fair trial due to ineffective assistance of counsel. Further, in 2021 the LADA's Office continued discussions with the Plaintiff's criminal attorney and reviewed new witness statements and determined that the Plaintiff should be found to be factually innocent based on the applicable legal standard and LADA Special Directive 20-10. The actions of the LADA were all in furtherance of justice and to ensure the Plaintiff's fair treatment. The LADA's mission and the prosecutor's ethical obligations require this thorough and extensive process to safeguard the rights of the accused and the integrity of criminal convictions. As such, no corrective action should be taken in this matter.

3. Are the corrective actions addressing department-wide system issues?

☒ Yes – The corrective actions address department-wide system issues.
☐ No – The corrective actions are only applicable to the affected parties.

Name: (Risk Management Coordinator)
Julie Dixon Silva

Signature: 

Date: 12/6/22

Name: (Department Head)

Signature: 

Date: 12-6-2022

Chief Executive Office Risk Management Inspector General USE ONLY

Are the corrective actions applicable to other departments within the County?

- ☐ Yes, the corrective actions potentially have County-wide applicability.
☒ No, the corrective actions are applicable only to this department.

Name: (Risk Management Inspector General)

Destiny Castro

Signature:

Destiny Castro

Date:

12/06/2022